IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 15000 of 2002

Between:

Babu S/o.Amruathu
R/o.Q.No.SD-307, Naspoor Colony,
Ramakrishnapuram, Adilabad District.

..... PETITIONER

AND

1. Singareni Colleries Ltd., Rep.by its General Manager,

Srirampur Division, Mancherial Mandal, Adilabad District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, more particularly one in the nature *Writ of Mandamus*, declaring the action of the respondent in not passing any orders for regularisation of quarter of the petitioner situated at SD-307, Narspur Colony, Srirampur Area, Mancherial, Adilabad District and proposed deduction of penal rent as per their notice No.SRP/PER/20-C/02/3080, DT.26-7-2002 from the salary of the petitioner as being arbitrary, illegal, unconstitutional and violative of Art.14 and 21 of the Constitution of India apart from being contrary to the directions of this Hon'ble High Court in a Batch of Writ Petitions and issue a consequential direction directing the respondent to regularise the quarter of the petitioner.

Counsel for the Petitioner: MR.K.LAKSHMAN (Not present)

Counsel for the Respondents: MR.NANDIGAM KRISHANA RAO

The Court made the following:

ORDER:

For declaring the action of the respondent in not passing any orders for regularization of quarter of the petitioner situated at SD-307, Narsapur Colony, Srirampur area, Mancherial, Adilabad District and proposed deduction of penal rent as per their notice No.SRP/PER/20-C/02/3080, dated 26.7.2002 from the salary of the petitioner, as arbitrary and illegal, the present writ petition has been filed.

2. The case of the petitioner is that he occupied the quarter NO.SD-307 at Narspur Colony, R.K.8 Colony, Srirampur Area, Mancherial, Adilabad District, though no formal allotment order was issued in his favour. Since then he has been in occupation of the said quarter. When the respondent company has started deducting penal rent from the salaries of the employees, a batch of writ petitions have been filed, wherein this Court by its order dated 20.1.2000 disposed of the same directing the respondent to constitute a Committee consisting of senior officers of the respondent company and directed all the employees, who are in illegal occupation of the quarters to participate in the enquiry before the said committee along with documentary evidence. The committee was directed to enquire and record a finding as to whether the petitioners are in unauthorized occupation for a period of 3 years as on 31.10.1997. After disposal of the writ petitions, the petitioner submitted an application before the Committee wherein he categorically stated that he was in occupation of the quarter from 1995 onwards and enclosed identity card issued by the company and he fulfilled the condition of 12 years of service and 3 years of occupation prior to 31.10.1997, but no orders have been passed till date. Without giving any notice, the respondent is propose to deduct the penal rent of Rs.1500/- per month. Therefore, the action of the respondent in proposing the deduction of penal rent at the rate of Rs.1500/- per month is arbitrary and illegal.

3. The respondent filed a detailed counter affidavit stating that the petitioner has

been in occupation of the quarter illegally from 1995 onwards, and it is for the petitioner to explain as to how he has completed the period of three years prior to 31.10.1997 and that the petitioner has not completed the requisite period of three years and he has not been approached the committee of the officers as appointed by this Court. That apart, the petitioner was enjoying the payment of House Rent Allowance, which itself shows that he was never allotted any quarter. The petitioner has never intimated the management regarding his occupation of the quarter at any point of time, and therefore, the respondent prays to dismiss the writ petition.

4. When the matter was called for hearing on 14.6.2005, none appears for the petitioner. Therefore, the matter was posted for orders to 15.6.2005. Even today also, none appears for the petitioner. Perused the record.

5. The allegations in the counter affidavit appears that the petitioner was not allotted any quarter and he is said to have been occupied the quarter illegally in the year 1995, and therefore, there is no evidence to show that the petitioner was in legal occupation of the quarter for three years prior to 31.10.1997. It is specifically stated in the counter affidavit that the petitioner has not approached the officers of the committee as appointed by this Court, for the purpose of regularizing the illegal occupation of the quarter. So also, he has never intimated the management regarding his occupation of the quarter at any point of time. It is further stated that the allotment of the quarters to the employees of the respondent company are made as per the seniority list, and it is not open for the employees to occupy the quarters illegally. When the petitioner is in occupation of the quarter illegally, the respondent company is entitled to recover the penal rent.

6 . From the material on record, it reveals, since the petitioner has not approached the officers of the committee or the management for regularization of his quarter and admittedly he is in unauthorized occupation of the quarter, the respondent is entitled to recover the penal rent. Therefore, the main relief sought for regularization cannot be granted, unless it is shown that there is an

arbitrary action on the part of the respondent company. When the respondent categorically stated that the regularization of the quarters should be done according to the seniority, there cannot be any indiscrimination towards the petitioner. The petitioner did not file any copy of the authenticated representation made to the respondent for the purpose of regularization of the quarter. Therefore, the writ petition is totally devoid of merits and it is liable to be dismissed.

7. With the above observation, the writ petition is dismissed. No order as to costs.

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(K.C. BHANU, J)

Date: 15.06.2005.

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Singareni Colleries Ltd., Rep.by its General Manager,

2. 2 CD copies

4. 1 CC to MR.NANDIGAM KRISHANA RAO

*Form-NIC-OGS/WP{**KMR**}*